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 Withhold Account Holders

**UNITED STATES BANKRUPTCY COURT
 SOUTHERN DISTRICT OF NEW YORK**

In re:

CELSIUS NETWORK LLC, *et al.*,

Debtors. (Jointly Administered)

Chapter 11

Case No. 22-10964 (MG)

**DECLARATION OF LARRY FULTON IN SUPPORT OF THE
 AD HOC GROUP OF WITHHOLD ACCOUNT HOLDERS' PHASE I BRIEF**

I, Larry Fulton, hereby declare under penalty of perjury:

1. I make this declaration based upon my personal knowledge. If I were called upon to testify, I could and would testify competently to the facts set forth herein.

2. I am a non-insider customer of Celsius (as defined in the *Ad Hoc Group of Withhold Account Holders' Phase I Brief Pursuant to the Joint Stipulation and Agreed Scheduling Order by and among the Debtors, the Committee and the Ad Hoc Groups with respect to the Custody and Withhold Issues*) (the "**Brief**").

3. I live in a Prohibited State.

4. I am not a verified accredited investor with Celsius.

5. On or about April 12, 2022, I received an email from Celsius stating that "[y]our Celsius account is currently not eligible for the new Custody solution and will have new limitations, due to regulatory requirements in your state. New transfers made by non-accredited investors in your state, will not be accepted in Celsius for you to use. You will need to withdraw any new coins from your account. Unless you are a verified accredited investor, you will not be able to access Celsius services including Buy, Swap, CelPay and Borrow until we are able to offer Custody in your state."

6. At some time after April 15, 2022, I discovered that I had "Withhold Accounts," which appeared without explanation on the Celsius app. During that period, I also learned that I could no longer whitelist an external wallet from the Earn Program account. Instead, coins first had to be transferred from the Earn Program to a Withhold Account, then transferred to an external wallet from the Withhold Account.

7. I have downloaded .csv files from the Celsius system showing all of my transactions on the Celsius platform. Each transaction, including each transfer out of the Earn Program and into a Withhold Account, is associated in the file with a unique, 32-character transaction identifier under the column heading "Internal id."

8. At the time that Celsius instituted the Pause, I had transferred coins out of the Earn Program and into Withhold Accounts, and was in the process of selecting or whitelisting external wallets to which those coins would be transferred. However, those cryptocurrency assets were frozen in my Withhold Accounts as a result of the Pause.

9. Celsius stopped awarding interest on my coins as soon as they were withdrawn from the Earn Program and transferred into my Withhold Accounts.

10. I am unable to access any Services (as defined in the Celsius Terms of Use) from my Withhold Accounts.

11. I have outstanding loans in the Borrow Program, including loans that matured in October 2022. On September 6, 2022, I received an email from Celsius stating that "[i]f you wish to repay and close a maturing loan, your payment must be made by a wire transfer of fiat

[remainder intentionally left blank] ☐

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

November 5,
2022



LARRY FULTON